

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
May 11, 2010**

Present: Commissioners Lythgoe, Kirsch and Wortman; Matt Johnson, County Attorney; Craig Doolittle, County Sheriff; Harold Stepper, County Planner; Pat McKelvey, County Fire Warden; Gary Williams and John Huston, DNRC; Tom Harrington and Tom Jenkin, South Metal Mines Grant Committee; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Colleen Teeling, Ike Jessee, Barbara Sunderland, Dick Rennie, Louis Mills, Brand Roon, Mary Janacaro Henslegh

MINUTES

Commissioner Lythgoe moved to adopt the minutes of April 20. Commissioner Kirsch seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of April 27. Commissioner Kirsch seconded. The motion carried.

REPORTS

Commissioner Lythgoe noted the receipt of the Clerk and Recorder fees report for April.

Commissioner Lythgoe noted the receipt of the April expense and revenue reports from the Clerk and Recorder.

CORRESPONDENCE

Commissioner Lythgoe read an e-mail from Colleen Teeling requesting to be appointed to serve on the MSTI advisory board.

Commissioner Lythgoe read letter of resignation from Ben Sautter. Ben is the chair of the Solid Waste Board and will resign as of June 15.

Commissioner Lythgoe read a letter from Nancy Fuller who stated that she has dead trees next to

the county road in the barrow pit. She has been told that it is the responsibility of the county to remove the trees. Commissioner Lythgoe said that he will pass this information on to the Road Supervisor.

Commissioner Lythgoe noted the receipt of a petition for annexation of adjacent territory into a fire district. This is actually a boundary relocation between the Jefferson City and Clancy Fire Districts to better serve the residents in the area. This issue will be set for public hearing.

Commissioner Lythgoe noted the receipt of task order 48 from Great West Engineering for engineering services for the north Jefferson County TIFID.

Commissioner Lythgoe noted the receipt of a change order from White Resources LLC for construction of a concrete stoop behind the Commission office as well as their second pay request.

CALENDAR REVIEW

- 5/11 Health Board – 6:30
- 5/12 Boyd Andrew board meeting – Helena – noon
- 5/13 Tri-Co Fire – Helena – 9:30
MSTI advisory board – 3:00
Elkhorn Working Group – 3:00
Library Board – 6:30
- 5/17 View roads with Road Supervisor – 9:30

COMMISSION REPORTS

FOREST SERVICE

Commissioner Lythgoe reported that the Commission met with Janet Kravasek, ranger for the Beaverhead-Deer Lodge National Forest. They discussed the coordination issue; the Commission would like to get a MOU as well as with the Helena National Forest. Also, they are working to get the Forest Service buildings just outside of Boulder transferred to the County. The buildings are on BLM land and it is taking some time to get everything worked out.

HOUSE BILL 130

Commissioner Lythgoe reported that he attended a meeting in Helena the previous day to discuss HB130 which concerns mental health issues and how, specifically, law enforcement deals with those with mental health issues. There is a Crisis Center that will be operated in Helena. Yesterday's meeting was primarily between Commissioners from Meagher, Broadwater, Jefferson and Lewis & Clark Counties. The next meeting will be primarily between County Attorneys and law enforcement.

Commissioner Wortman reported that last Wednesday he attended a solid waste safety meeting.

SHODDY LANE

Commissioner Wortman reported that on Wednesday morning he and Joe Carter went to look at Shoddy Lane. There is some confusion over what portion of the road is a county road and what is not. The issue is that the road is wandering over private property and needs to be put back into the original right-of-way. They need to look at reestablishing the road.

SOLID WASTE BOARD

Commissioner Wortman reported that on Wednesday night they had a special Solid Waste Board meeting to deal with the hiring of a manager. The board decided to re-advertise the position. There was some discussion of the position being part-time versus full-time, and the decision was made to keep it as a full-time position.

ELKHORN MINE

Commissioner Kirsch reported that on the 5th he went with the Elkhorn mining group to a bank to see if they could get financing to get the mine up and running. The bank was not willing to loan money to a mine, but they did get some good referrals.

BIG BOULDER HOUSING

Commissioner Kirsch reported that on Monday they had the groundbreaking for the Big Boulder Housing project. This has been a long time in the making and will be a great addition to Boulder. He noted that there were a lot of dignitaries and members of the press in attendance.

SUBDIVISION REVIEW

FINAL PLAT REVIEW – BLACK EAGLE MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report on this minor subdivision in the Montana City area. The parcel contains 10 acres and is proposed to be divided into three lots ranging in size from 1 to 7 acres. The subdivision straddles the Jefferson County and Lewis and Clark County line, with 0.48 acre in Jefferson County. Harold stated that all conditions of approval have been met with the exception of COA 14. There is currently a RSID bond on the property which is being subdivided. The full bond must be paid in full at the time of filing of the Final Plat on the subdivision. Harold stated that the bond will be paid at the time of filing.

Harold recommended that final plat approval be granted.

Commissioner Wortman moved to grant final plat approval. Commissioner Kirsch seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS COUNTY COOPERATION WITH DNRC

John Houston, DNRC, stated that all 56 counties are in the county co-op program. In exchange, the state will provide training and equipment. In Jefferson County, most of the northern part of

the county is protected by state or federal agencies. Another thing the county co-op program does is allow counties to call for mutual aid.

Commissioner Lythgoe stated that one thing that he appreciates about DNRC is that they are interested in putting fires out. He has gotten into a bit of trouble when he has called DNRC when the fire is on Forest Service lands; he asked if this is an issue. John said that the state mandate is to put fires out; they don't have the option to let it burn.

Gary Williams said that he is the area manager for the central office. The emphasis they have had since he has been in the central office is to work with local volunteer departments. He sees this as a close partnership and they have a good relationship with Jefferson County.

Commissioner Lythgoe stated that they appreciate all that they do; they also realize how important the volunteer fire departments are. We have a lot of fire starts in Jefferson County, but nothing major since 2000. This is pretty remarkable, considering the conditions in the county.

Pat McKelvey stated that he wanted to talk about the coming fire season. One issue they are seeing is debris burning. He talked about the conditions to close burning and noted that every chief can decide to close burning in their district as conditions can vary widely across the county. Pat stated that if he closes based on environmental conditions that he sees, they are required to close the entire county.

DISCUSS AND DECIDE ON TOWN OF WHITEHALL'S REQUEST FOR CTEP FUNDS

Tom Harrington stated that the project proposed for CTEP funds, a walking trail around the fish pond, was found not to meet the criteria. The trail group has put the project on hold for now, until access issues can be resolved.

Mary Janacaro-Hensley, Mayor of Whitehall, stated that they would like to use the CTEP funds for sidewalks in Whitehall. This would be a great improvement to the town. Commissioner Lythgoe asked if the Town of Whitehall get any CTEP funds. She stated that they do not.

Commissioner Wortman moved to use the CTEP funds earmarked for a Whitehall project for a sidewalk project in the Town of Whitehall. Commissioner Lythgoe seconded. The motion carried.

DISCUSS AND DECIDE ON AWARDING OF SOUTH METAL MINES GRANTS

Commissioner Lythgoe stated that representatives of the south metal mines grant committee came before the Commission the previous week and gave the committee's recommendation of which projects should receive grant funding. The committee recommended that the Community Development Board be awarded a grant in the amount of \$2,700 and the Garden Club be awarded a grant in the amount of \$975.

Commissioner Wortman moved to accept the recommendations of the grant committee and award the grants accordingly. Commissioner Lythgoe seconded. The motion carried.

DISCUSS COORDINATION WITH FEDERAL AGENCIES ON MSTI PROJECT

Matt Johnson, County Attorney, asked the Commission if they have heard back from any of the agencies that letters have been sent to. The Commissioners stated that they haven't heard from anyone. Commissioner Wortman said that he has been contacted by Brad Molner and John Vincent of the Public Service Commission, and Brad may be able to attend next week's meeting.

Matt stated that he has sent a third letter to the Commissioners for their review, and he feels that it would be appropriate to send it out. Commissioner Wortman said that he saw in statute that the Commission has the ability to subpoena others, and asked if this would be appropriate. Matt said that he would look into this. If they haven't gotten a response by the end of the week, he asked that the Commission would grant him the ability to start court proceedings. He would like to file a writ of mandamus in federal court for coordination with the BLM. He noted that the Commission has had meetings with the BLM where they have committed to follow the coordination requirements, but we still haven't gotten an MOU.

Matt stated that he also has a draft resolution regarding a county policy related to energy corridors in Jefferson County that he will be presenting to the advisory board for comment on Thursday. It doesn't make sense that state and federal agencies can come across and condemn private property to export electricity somewhere else. He would like the resolution added to next week's agenda. He noted that the goal is not to stop the transmission line, but to have it placed on the best route for constituents, which is on public lands. Commissioner Lythgoe stated that it is important for the advisory board to look over the resolution and give their input. Matt said that if we are going to coordinate, it is good to have a policy in place that we want agencies to comply with.

Commissioner Wortman said that the PSC has a concern not with the siting, but with economics. They are concerned that this line will mean higher rates to Montana residents. Matt asked if the PSC has any authority to work with the county. Commissioner Wortman said that he isn't sure; NorthWestern Energy doesn't want them to have any authority until the transmission line is built. Matt said that the county has no control regarding rate payers, so the PSC is important for that.

Commissioner Wortman said that he would support Matt going ahead with whatever legal process he deems is necessary.

Commissioner Lythgoe moved to allow the County Attorney, based on the time line he feels is necessary, to take legal action he feels is necessary. Commissioner Wortman seconded. The motion carried.

Commissioner Wortman moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER